

CHAPTER 197

BANKING TRANSACTIONS LEGALIZED

H. F. 213

AN ACT to legalize the payment, certification or acceptance of a check or other negotiable instrument or any other transaction by a bank or trust company in this state performed after banking hours or on any legal holiday.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Nothing in any law of this state shall in any manner
2 whatsoever affect the validity of, or render void or voidable, the pay-
3 ment, certification, or acceptance of a check or other negotiable instru-
4 ment or any other transaction by a bank or trust company in this state
5 because done or performed on any legal holiday or during any time
6 other than regular banking hours, if such payment, certification, ac-
7 ceptance or other transaction could have been validly done or per-
8 formed on any other day; provided that nothing herein shall be con-
9 strued to compel any bank or trust company in this state, which by law
10 or custom is entitled to close for the whole or any part of any legal
11 holiday, to keep open for the transaction of business or to perform any
12 of the acts or transactions aforesaid on any legal holiday except at its
13 own option.

Approved February 15, 1951.

CHAPTER 198

PUBLIC CONTRACTS—EMERGENCY STOPPAGE

H. F. 288

AN ACT to provide for the termination of contracts for the construction of public improvements when construction or work thereon is stopped because of a national emergency, and to prescribe procedures, the adjustment and payment of compensation, and to provide a method for settlement of disputes in connection therewith.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. In the event work or construction upon a public im-
2 provement is stopped directly or indirectly by or as the result of an
3 order or action of any federal or state authority or of any court be-
4 cause of the occurrence or existence of a situation which the President
5 or the Congress of the United States has declared to be national emer-
6 gency, and the circumstances or conditions are such that it is and will
7 be impracticable to proceed with such work or construction, then the
8 public corporation and the contractor or contractors may, by written
9 agreement terminate said contract. Such an agreement shall include
10 the terms and conditions of the termination of the contract and provi-
11 sion for the payment of compensation or money, if any, which any
12 party shall pay to the other, or any other person, firm or corporation
13 under the facts and circumstances in the case.

1 SEC. 2. Whenever a public corporation and a contractor or con-
2 tractors, have entered into a contract for the construction of a public
3 improvement, and any party to such contract desires to terminate said
4 contract because of the occurrence of the event and under the circum-

5 stances stated in section one (1) hereof, and another party thereto
6 will not agree to such termination, or said parties having agreed upon
7 the termination of the contract cannot agree upon the terms and condi-
8 tions thereof, then any party may have the issues in dispute deter-
9 mined in the manner hereinafter provided.

1 SEC. 3. Any party to the contract may have the issue in dispute
2 determined by filing in the district court of the county in which the
3 public improvement or any part thereof is located a verified petition
4 which shall allege in detail the ultimate facts upon which the petitioner
5 relies for the termination of such contract. All subcontractors and
6 the sureties upon all bonds given in connection with the contract and
7 subcontracts shall be made parties to the proceeding.

1 SEC. 4. The rules of civil procedure shall be applicable to such
2 action. The cause shall be tried forthwith in equity, and the court
3 shall give such cases preference over other cases, except criminal cases.

1 SEC. 5. The district court shall have jurisdiction of the issue which
2 is thus presented, and of all parties including any public corporation
3 as defined in this Act. The court shall make findings and render its
4 judgment determining the issues involved in accordance with the pur-
5 pose and spirit of this Act.

1 SEC. 6. Any party aggrieved by the findings and judgment of the
2 district court may appeal to the supreme court as in other cases and
3 the case shall be given preference over other cases in the supreme
4 court.

1 SEC. 7. If the court determines that said contract should be ter-
2 minated, or if the parties have agreed to its termination, the court
3 shall include in its order:

4 1. The terms and conditions imposed upon each party to the con-
5 tract, including the extent of the liability of the sureties upon any
6 bond;

7 2. The protective requirements, if any be deemed necessary, to pro-
8 tect the property, and provision for the payment of the cost thereof;

9 3. The determination of the relative rights of the parties involved,
10 including the compensation or payments, if any, which any party shall
11 pay to any other person, firm or corporation under the facts and cir-
12 cumstances of the case.

13 If the court determines that the contract shall not be terminated,
14 it shall state in its order the reasons therefor. The court shall adjust
15 and assess the costs in such manner as may be equitable and fair under
16 the circumstances.

1 SEC. 8. In no event shall the public corporation pay or be required
2 to pay compensation or monies in excess of the total compensation
3 stated in the contract for the construction of the public improvement.

1 SEC. 9. The provisions of this Act shall not apply unless it is
2 specifically contracted for between the contracting parties.

1 SEC. 10. For the purposes of this Act:

2 1. "Public corporation" shall embrace the state, and all counties,

3 cities, towns, public school corporations, drainage districts, and all
4 officers, boards or commissions empowered by law to enter into con-
5 tracts for the construction of public improvements;

6 2. "Public improvement" is one, the cost of which is payable from
7 taxes or other funds under the control of the public corporation;

8 3. "Construction" shall, in addition to its ordinary meaning, em-
9 brace repair and alteration.

1 SEC. 11. This Act being deemed of immediate importance shall be
2 in force and effect upon its publication in The Clayton County Register,
3 a newspaper published at Elkader, Iowa, and in The Oakland Acorn,
4 a newspaper published at Oakland, Iowa.

Approved April 20, 1951.

I hereby certify that the foregoing act was published in The Clayton County Register,
Elkader, Iowa, May 3, 1951, and in The Oakland Acorn, Oakland, Iowa, April 26, 1951.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 199

NOTARIES' ACTS LEGALIZED

H. F. 221

AN ACT to amend section five hundred eighty-six point one (586.1), Code 1950,
relating to legalizing acts of notaries public and acknowledgments.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section five hundred eighty-six point one (586.1), Code
2 1950, is hereby amended as follows:

3 1. Strike from subsection one (1) line one (1) the figures "1930"
4 and insert in lieu thereof the figures "1940".

5 2. Strike from subsection two (2) line one (1) the figures "1930"
6 and insert in lieu thereof the figures "1940".

7 3. Add to subsection three (3) line four (4) after the figures
8 "1939" the following, "and section seventy-eight point two (78.2) to
9 and including the Code of 1950".

10 4. Strike from subsection four (4) line three (3) the figures "1930"
11 and insert in lieu thereof the figures "1940".

12 5. Strike from subsection six (6) line two (2) the figures "1930"
13 and insert in lieu thereof the figures "1940".

14 6. Strike from subsection seven (7) line two (2) the figures "1930"
15 and insert in lieu thereof the figures "1940"; strike from line three (3)
16 the parentheses and the words and figures therein "(Codes 1924 and
17 1927)" and insert in lieu thereof the following, "to and including the
18 Code of 1939"; strike from line six (6) the parentheses and the words
19 and figures therein "(Codes 1924 and 1927)" and insert in lieu thereof
20 the following, "to and including the Code of 1939".

21 7. Strike from subsection eight (8) line two (2) the figures "1930"
22 and insert in lieu thereof the figures "1940".

23 8. Strike from subsection nine (9) line two (2) the figures "1930"
24 and insert in lieu thereof the figures "1940".